

Motion Practice

Discovery motions may be referred to the magistrate judge. Once a motion has been referred, all communication regarding that motion should be directed to the magistrate judge's chambers.

The Court strictly enforces the requirements of Eastern District of Michigan [Local Rule 5.1](#) and [Local Rule 7.1](#) and the Electronic Filing Policies and Procedures for all motions. Failure to follow these rules likely will result in a denial of the motion and may lead to sanctions.

The Court requires strict compliance with LR 7.1(a), which requires moving parties to seek concurrence before filing a motion. The Court requires that a good-faith effort be made to obtain concurrence, which normally involves actual contact with opposing counsel. If no actual conversation occurs, the moving party must show that reasonable efforts were undertaken to conduct a conference and specifically describe those efforts in the motion papers. The outcome of the conference must be stated. All of this must be documented specifically in the motion papers.

Motions must be clear and succinct without extensive factual development. All briefs must comply with Eastern District of Michigan [Local Rule 5.1](#) and [Local Rule 7.1](#), and must contain citation to appropriate authorities within the text of the brief (not in footnotes), and citations must conform to the latest edition of The Bluebook: A Uniform System of Citation published by the Harvard Law Review. In addition, briefs must contain a concise statement of facts supported by references to the record. Footnotes are discouraged, but if they are utilized they must be printed in the same font size as the text, which may be no smaller than 10-1/2 characters per inch (non-proportional) or 14 point (proportional). Use of footnotes is discouraged.

Answers to motions and supporting briefs must be filed according to the schedule set forth in [LR 7.1\(d\)](#). Note that Rule R5(e) of the [Electronic Filing Policies and Procedures](#) prohibits combining an answer to a motion with a counter-motion in the same filing. The Court normally does not issue a briefing schedule for motions. The Court enforces the response and reply due dates as set forth in LR 7.1(d) and Fed. R. Civ. P.6, even when the motion hearing is set far in advance. Attorneys who do not respond to motions in a timely fashion are not permitted to argue before the Court during oral argument, if oral argument is scheduled.

Counsel are discouraged from employing elaborate boilerplate recitations of the applicable motion standards and lengthy string citations in support of well-established legal principles. Instead, counsel should focus their analysis on a few well-chosen cases, preferably recent, published, and from controlling courts.

Facts stated in the statement of facts must be supported with citations to either the pleadings, interrogatories, admissions, depositions, affidavits, or documentary exhibits.

When referring to unpublished sources, the full text of any unpublished source cited should be filed with the Court as an appendix. The appendix shall contain an index. As to cited deposition testimony, counsel are also encouraged to supply the Court with a transcript of cited page(s) together with sufficient accompanying pages to provide context. All citations must have page references. Other documents referred to in the briefs should be included in the appendix. Counsel may highlight their submissions.

When filing a paper in a criminal case through CM/ECF, select **ONLY** your individual client. Do **NOT** select all defendants.

Courtesy copies of motions and briefs must be provided to chambers in accordance with Rule R5(b) of the Electronic Filing Policies and Procedures.

If a hearing is scheduled, the Court's Case Manager will send out a notice of the hearing date.

The Court endeavors to decide pending motions promptly, ordinarily within six weeks after a hearing, or within three weeks after the time for a response has passed without a response being filed. Complex motions or those raising novel issues may require additional time to conclude. If a motion has been pending in chambers without resolution for an apparently inordinate time, counsel are asked to notify the Court's Case Manager by telephone or in writing (jointly if possible) as to the status of the motion. Such notification is a service that is appreciated by the Court and is not viewed by the Court as inappropriate or impertinent.

If a party intends to call witnesses at a motion hearing, the party must notify Chambers at least two weeks in advance of the hearing date and inform the Case Manager of the anticipated length of time needed for the testimony.

This Chamber adheres to the Court's general policy regarding courtesy copies. Please see the [Judges' Courtesy Copy Policy](#). In the interest of good advocacy, parties may submit courtesy copies of other motions, exhibits, responses and replies to Chambers.